IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24801 of 2005

Between:

Smt. Cheppula Kumari

..... PETITIONER

AND

The Chairman and Managing Director.

A.P. Eastern Power Distribution Company Ltd.,
(A:P. Transco), Visakhapatnam and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not paying the compensation amount of Rs.3,00,000/- towards damages and an amount of Rs.50,000/- towards ex-gratia for the cause of death of petitioner's husband due to electrical shock, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

It is the case of the petitioner that her husband late Venkateswararao, aged about 29 years, belong to Madiga caste, resident of Harijanapeta, Chinnaigudem village. Devarapalli Mandal, West Godavari District, while bringing milk from the field to the house, at about 7.45 p.m. came in contact with a fallen electrical wire on the ground accidentally, and due to the electrical shock, he died on the spot. Accordingly, basing on the report, F.I.R.No.115 of 2004, dated 01.08.2004 was registered on the file of the Devarapalli Police Station, West Godavari District, stating that the deceased died due to electrical shock by touching the electrical wires fallen on the ground accidentally. As the husband of the petitioner died due to negligence on the part of the respondents, the 3rd respondent addressed a letter to the petitioner vide Lr.No.ADE/O/GPM/F.No.Accidents/D.No.486/04, dated 05.10.2004, requesting the petitioner to submit Legal Heir Certificate and Death Certificate of her late husband Ch.Venkateswararao immediately for avoiding further delay in arranging ex-gratia.

It is stated that the petitioner submitted the required certificates and though the ex-gratia to an extent of Rs.50,000/- is payable, but the 3rd respondent has been insisting the petitioner to agree for an amount of Rs.20,000/- only towards ex-gratia instead of Rs.50,000/-, and accordingly, the petitioner has protested the said action of the

3rd respondent, and filed a representation dated 17.09.2005 stating that the 3rd respondent is insisting her to give a letter, foregoing the right to receive any claim, by accepting Rs.20,000/- towards ex-gratia.

For the negligence of the respondents, it is for the petitioner to file a civil suit for damages, depending upon the earning capacity of the deceased and suffering. In so far as payment of ex-gratia is concerned, it is brought to my notice that this Court in similar cases in W.P.No.17710/1998, dated 28.08.1998 and W.P.No.24476/2001, dated 16.09.2002, directed the respondents to pay an amount of Rs.50,000/- towards ex-gratia, giving liberty to the petitioner to file a regular claim petition, claiming damages.

Following the said judgments, the Writ Petition is disposed of, directing the respondents to pay an amount of Rs.50,000/- (Rupees fifty thousand only) to the petitioner towards ex-gratia, within a period of
4 (four) weeks from the date of receipt of a copy of this order. However, it is left open for the petitioner to file a regular claim petition in a competent court of law for damages, if she is so advised. No order as to costs.

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V.ESWARAIAH,J

Dated: 22.11.2005

Dsr